

Court. This fact leaves me with no doubt that Dean Kagan will meet the highest expectations of her and that she will excel as Solicitor General.

Second, I would point out that a very large number of leading lawyers have joined me in concluding that Dean Kagan will be an excellent Solicitor General. Dean Kagan's nomination to be Solicitor General has been endorsed by every Solicitor General who served from 1985 to 2009—Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, and Greg Garre. That is not the Solicitors General from every Democratic administration—that is every Solicitor General over the last 24 years, including conservatives Ted Olson and Ken Starr. Surely their expert opinions should provide a strong indication that Dean Kagan will be an excellent Solicitor General.

Third, it is worth noting the historic nature of this nomination. If confirmed, Dean Kagan would become the first woman confirmed by the Senate to hold the Office of Solicitor General of the United States. Dean Kagan has spent her lifetime breaking glass ceilings, and she is poised to break another for the benefit of generations of women to come.

Finally, I would like to commend Chairman LEAHY for his continuing determination to confirm as many Department of Justice nominees as quickly as possible. The United States deserves the best advocate possible before the Supreme Court. We should confirm Dean Kagan and let her get to work. And we should swiftly confirm the remaining nominees to the Department of Justice. I look forward to continuing to work with Chairman LEAHY in that effort.

Mr. BUNNING. Mr. President, I rise today to speak on the nomination of Dean Elena Kagan of the Harvard School of Law to be Solicitor General of the United States. It is with regret that I announce that I will not be able to support this nomination.

My first reason is that it appears that Dean Kagan's nomination process is not yet complete. My colleague, the ranking member of the Senate Judiciary Committee Senator ARLEN SPECTER, has already spoken on this at some length, but I agree with his thoughts. He asked Dean Kagan, in writing, to expand upon responses she supplied to the Judiciary Committee. In the estimation of several committee members and others, such as myself, she did not provide an adequate response to these requests. I find that it is not possible for me to vote to advance the nomination of someone who has not yet completed the nomination process.

However, we do know some things about Dean Kagan's beliefs. For one thing, she has shown a disdain for the policy contained in the Solomon amendment. The Solomon amendment bars federal aid to universities that prevent military recruitment on cam-

pus. This is a good policy and fairly supports our military and the men and women that are a part of it. Dean Kagan defends her position by saying that she opposes the recruiters because of the "Don't Ask, Don't Tell" policy. Whatever her concerns with that policy, it does not seem wise or fair to shut out our nation's military recruiters. By denying recruiters access to America's colleges and universities, our military is weakened. This is the kind of wrongheaded approach that I thought had died out years ago. Unfortunately, it is still alive in the person of the President's nominee to head one of the top positions in the Department of Justice.

Dean Kagan has also expressed an unsettling attitude towards religion and religious organizations. In a memo as a law clerk on the subject of which organizations should receive funding to counsel teenagers on pregnancy, she wrote "It would be difficult for any religious organization to participate in such projects without injecting some kind of religious teaching." She added "When government funding is to be used for projects so close to the central concerns of religion, all religious organizations should be off limits." This seems like an incredibly insensitive, insulting, and impractical view to hold. Does Dean Kagan feel that only atheists are fit to handle government funds? Would she support some sort of a "religious commitment" litmus test? This seems like an attitude that would be unfit for a high ranking member of our government.

It is for these reasons that I cannot support this nomination. I urge my colleagues to join me in opposition.

Mr. CORNYN. Mr. President, I rise to share my views on the nomination of Elena Kagan, who has been nominated by President Obama to serve as Solicitor General of the United States.

As my colleagues know, I have supported several of President Obama's executive nominees and opposed a few others. I believe that it is my constitutional duty to carefully review the record and qualifications of each nominee, while giving an appropriate amount of deference to the President when a nominee is objectively qualified for the position to which they are nominated, regardless of political orientation.

For example, I voted to confirm Secretary of State Hillary Clinton. I likewise voted to confirm Ambassador Ron Kirk to be U.S. Trade Representative.

Unfortunately, I could not reach the same conclusion with Attorney General Eric Holder regarding his fitness to serve as the Nation's top law enforcement official.

And, for the reasons outlined below, I cannot support Elena Kagan's nomination to be Solicitor General. My primary concern with Ms. Kagan's nomination is her continued failure to respond to legitimate and relevant questions posed by me and others.

As I explained when the Judiciary Committee approved Ms. Kagan's nomination on March 5:

Ms. Kagan notes how much she respects the Senate and its institutional role in the nominations process. Regrettably, her refusal to answer legitimate and relevant questions posed by me and others belies this claimed respect. For this reason, I will be voting 'no' this morning and do not believe that her nomination should be advanced. I hope that Ms. Kagan reconsiders her position because I believe that she is otherwise qualified to serve as Solicitor General.

In response to Senator SPECTER's subsequent request to supplement her answers in writing, Ms. Kagan returned a 22-page letter purporting to do just that. But I concur with Senator SPECTER, the ranking member on the Judiciary Committee, who has determined that too many of Ms. Kagan's answers to relevant and legitimate questions remain incomplete and unresponsive. As Senator SPECTER correctly notes, this is about the Senate's institutional prerogatives.

In sum, I do not believe that Ms. Kagan has provided the basic level of responsiveness that the Senate's constitutional advice and consent function demands. And for that reason I am forced to vote against her.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't know if there are other Members are coming. While the Senator from Alabama is on the floor, let me note that I heard there may be one or two more Members coming over. I hope they will come soon. I am going to be here, as I have a series of meetings until well after 6, but I know a number on both sides have flights to catch.

Once everybody has spoken, I will suggest that we yield back all time and have a vote. I know the Senator from Alabama had specific time set aside and didn't use all of it. I hope he might join me in calling for other Senators who wish to speak to come over. If they are to speak, it would be better to do it sooner rather than later. It would be a great help to a number of Senators on both sides of the aisle.

Mr. SESSIONS. If the Senator will yield, the chairman of the Judiciary Committee has set up ample time for this to be discussed today. I thank him for that. Senator SPECTER, a little while ago, indicated that he thought the time should be yielded back and we could vote as early as 5. He hoped that would be acceptable, and he urged people to come down if they have comments. I will join him and you in urging people to come down if they have remarks to make. It would be more convenient, I think, for people to have an early vote.

Mr. LEAHY. Mr. President, I thank my friend from Alabama. I urge Members—if there are others—not to wait until 5. And I ask those on the other side of the aisle, if you wish to speak, please do so as soon as possible, because at some point—and we will do this only with notice to the Republican